

JUDGE GROTTA
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUGARHILL MUSIC PUBLISHING,
LTD.,

Plaintiffs,

-against-

WARNER/CHAPPELL MUSIC, INC. and
WMG ACQUISITION CORPORATION,

Defendants.
-----X

12 CV 9225

12 CIV.
ECF Case

COMPLAINT

Jury Trial Demanded

DEC 19 2012

Plaintiff Sugar Hill Music Publishing, Ltd. by its attorneys Cinque & Cinque,
P. C. as and for its complaint alleges:

JURISDICTION AND PARTIES

1. This action arises under the Copyright Act of the United States (17 U.S.C. §101, et seq.). The Court has exclusive jurisdiction over this action under Section 1338(a) of the Judicial Code (28 U.S.C. §1338(a)).

2. Plaintiff Sugarhill Music Publishing, Ltd. ("Sugarhill Music") is a corporation organized and existing under the laws of the State of New York and is engaged in the business, inter alia, of licensing musical compositions. Sugarhill Music is the owner of the copyright in the musical composition entitled "That's The Joint," written in 1981 by Sylvia Robinson, Clifton J. Chase, Keith Caesar, Rodney Stone, Kevin Smith, Sharon Green and Jeffrey Myree.

3. Defendant Warner/Chappell Music, Inc. is a corporation organized and existing under the laws of the State of Delaware, authorized to do business in New York, engaged in the business of publishing musical compositions with its principal place of business in California, and is a co-owner of the copyright in the musical composition entitled “Uptown Anthem,” co-authored in 1991 by Vincent Brown, Keir Gist and Anthony Criss.

4. Defendant WMG Acquisition Corporation is a corporation organized and existing under the laws of the State of Delaware, authorized to do business in New York, with its principal place of business in New York, engaged in the business of publishing musical compositions, and is a co-owner of the copyright in “Uptown Anthem.”

FIRST CLAIM FOR RELIEF

(Copyright Infringement)

5. “That’s The Joint” contains copyrightable subject matter under the copyright laws of the United States. On June 16, 1982 the United States Copyright Office registered a claim to copyright in “That’s The Joint” to Sugarhill Music and issued Certificate Number PA 144091.

6. Within the past three years defendants have in the Southern District of New York and throughout the United States commercially exploited “That’s The Joint.”

7. “Uptown Anthem” incorporates “That’s The Joint” by, *inter alia*, using the three-syllable vocal phrase “We gonna” and rhythmic pattern a total of 41 times, as a

strong hook in the song.

8. Defendants' exploitation of "Uptown Anthem" was made without authorization or permission from plaintiff and constitutes infringement of the copyright in "That's The Joint."

9. The acts and omissions of the defendants are wilful and intentional acts of copyright infringement.

10. The defendants continue to exploit and license "Uptown Anthem" and unless enjoined by this Court will continue to infringe plaintiff's copyright.

WHEREFORE, plaintiff demands relief as follows:

(a) that defendants be required to pay such damages as have been sustained as a consequence of defendants' infringement of plaintiff's copyright and to account for and pay to plaintiff all gains, profits and advantages derived by defendants from such infringement of plaintiff's copyright;

(b) that defendants, their agents, servants, employees, successors and assigns be preliminarily enjoined during the pendency of this action and permanently thereafter from infringing plaintiff's copyrights in any manner;

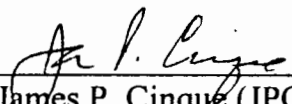
(c) that defendants be required to pay plaintiff the costs and disbursements of this action together with reasonable attorneys' fees in a sum to be allowed by the Court; and

(d) that plaintiff have such other and further relief as the Court may deem just and

proper.

DATED: NEW YORK, NEW YORK
DECEMBER 9, 2012

CINQUE & CINQUE, P. C.

By: 
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